

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re NURTURE BABY FOOD LITIGATION

Master File No.: 1:21-cv-01217-MKV

This Document Relates To:

The Honorable Mary Kay Vyskocil

ALL ACTIONS

**DECLARATION OF JASON P. SULTZER IN SUPPORT OF
THE W-R SLATE'S MOTION FOR APPOINTMENT OF INTERIM CO-LEAD
COUNSEL AND EXECUTIVE COMMITTEE**

I, Jason P. Sultzer, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an attorney duly admitted before this Court. I am the founding partner of The Sultzer Law Group P.C. I submit this declaration in support of my appointment as an Executive Committee member pursuant to Federal Rule of Civil Procedure 23(g). Each of the facts set forth below is true and correct with my personal knowledge and if called and sworn as a witness, I would competently testify thereto.

2. The Sultzer Law Group, P.C. is one of the preeminent plaintiff's class-action and complex commercial law firms in the nation with particular expertise in consumer class-actions. Since its founding in 2013, The Sultzer Law Group has served as lead counsel in numerous high-profile consumer class action cases. The firm is included in Martindale-Hubbell's Bar Register of Preeminent Lawyers for its class action practice. All of the partners in the firm are AV rated by Martindale-Hubbell and have been selected as Super Lawyers. In addition, they have also been selected as the American Law Media's Mass Tort Lawyers of the Year.

3. The firm's attorneys have contributed to or been featured in various well-known publications regarding their class action practice, including: Law360, Inside Counsel Magazine, Risk Management Magazine, CNBC News, Reuters, Bloomberg News, and the New York Post. The Sultz Law Group was named the best nationwide civil dispute firm in the U.S. Business News Legal Elite Awards in 2020.

4. The Sultz Law Group has extensive experience in the area of consumer fraud class-actions and has successfully challenged some of the nation's largest and most powerful corporations for a variety of unfair and deceptive business practices, including false advertising and mislabeling.

5. As demonstrated by the cases described in our firm's resume, attached as Exhibit A, The Sultz Law Group has achieved great success for consumers throughout the nation.

6. The Sultz Law Group has been particularly active within the Second Circuit and has created extensive case law and has obtained significant class-wide settlements in this Circuit in false advertising and mislabeling class actions involving all types of consumer products and food, including: *Luib v. Henkel Consumer Goods, Inc.*, No. 1:17-cv-03021-BMC, 2018 U.S. Dist. LEXIS 18598 (S.D.N.Y. Feb. 5, 2018); *Barton v. Pret A Manger (USA) Ltd.*, No. 1:20-cv-04815 GHW, 2021 U.S. Dist. LEXIS 81336 (S.D.N.Y. Apr. 27, 2021); *Rapoport-Hecht, Tziva et al. v. Seventh Generation, Inc.*, No. 14-CV-9087 (KMK), 2017 U.S. Dist. LEXIS 218781 (S.D.N.Y. Apr. 28, 2017); *Vincent, Wesley, et al. v. People Against Dirty, PBC. and Method Products, PBC.*, No. 16-cv-6936 (NSR), Dkt. 41 (S.D.N.Y. March 13, 2017); *Mayhew, Tanya, et al., v. KAS Direct, LLC and S.C. Johnson & Son, Inc.*, No. 16 CV 6981 (VB), 2018 U.S. Dist. LEXIS 106680 (S.D.N.Y. June 26, 2008); *Patora v. Tarte, Inc.*, No. 7:18-cv-11760-KMK, Dkt. 50 (S.D.N.Y. Jan. 29, 2020); *Sitt v. Nature's Bounty, Inc.*, No. 15-cv-4199-MKB-MDG, 2016 U.S. Dist. LEXIS

131564 (E.D.N.Y. Sept. 26, 2016); *Silva v. Smucker Natural Foods, Inc.*, No. 14-cv-6154 (JG)(RML), 2015 U.S. Dist. LEXIS 122186 (E.D.N.Y. Sept. 14, 2015); *Grossman v. Simply Nourish Pet Food Company LLC*, No. 2:20-cv-01603-KAM-ST, 2021 U.S. Dist. LEXIS 15864 (E.D.N.Y. Jan. 27, 2021); *Silva v. Hornell Brewing Co.*, No. 20-cv-756 (ARR) (PL), 2020 U.S. Dist. LEXIS 142900 (E.D.N.Y. Aug. 10, 2020); *Petrosino v. Stearn's Products, Inc.*, No. 7:16-cv-007735-NSR, 2018 U.S. Dist. LEXIS 55818 (S.D.N.Y. Mar. 30, 2018); *Wedra v. Cree, Inc.*, No. 19 CV 3162 (VB), 2020 U.S. Dist. LEXIS 49266 (S.D.N.Y. Mar. 20, 2020).

7. Courts in this Circuit have recognized The Sultz Law Group's significant experience with regards to its class action practice. *See Griffin, Anthony, et al., v. Aldi, Inc., Doe Defendants 1-10*, Case No. 16-cv-00354 (N.D.N.Y.) (Judge Lawrence E. Kahn stated that "Plaintiffs' Counsel have worked diligently and are experienced and well-versed in wage and hour cases and class actions."); *see also Patora v. Tarte, Inc.*, Case No. 18-cv-11760-KMK (S.D.N.Y.) (Judge Kenneth M. Karas stated that "[t]he plaintiff here was ably represented by class counsel, who is clearly well-versed in complex class action litigation. I can speak from personal experience dealing with The Sultz Firm, which has many highly-qualified and capable and experienced lawyers representing plaintiffs in consumer class actions. . ."); *Shiv Patel v. St. John's University*, Case No. 1:20-cv-02114 (EDNY) (Judge Steven Gold observed that, "The firms' expertise and competency in the class action context are reflected by the favorable outcomes they have obtained in previous suits. . . particularly in light of their impressive record.").

8. In addition to class-actions, I also have significant trial experience with cases, such as this one, involving lead, heavy metals and other toxic contaminants.

9. As the firm's founding partner, I have earned selection as a Senior Fellow of the Litigation Counsel of America (LCA), recognizing the country's top trial attorneys, and am a

member of their Trial Law and Diversity Institute. I have also been recognized as a Super Lawyer for the last ten years, and was selected for Lawdragon's list of 500 Leading Plaintiff Financial Lawyers for 2019 and 2020. For a full list of my accomplishments, see our firm resume attached as Exhibit A.

Dated: September 27, 2021

/s/ Jason P. Sultzer
JASON P. SULTZER
COUNSEL FOR PLAINTIFF